

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Chirece Clark,

Plaintiff,

Case No. 21-cv-10451

v.

Judith E. Levy

United States District Judge

Commissioner Andrew Saul,¹

Mag. Judge Anthony P. Patti

Defendant.

_____/

**ORDER ADOPTING REPORT AND RECOMMENDATION [18],
GRANTING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT [12], AND DENYING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT [16]**

This is a Social Security appeal. Before the Court is Magistrate Judge Anthony P. Patti's report and recommendation ("R&R") (ECF No. 18) recommending the Court grant Plaintiff Chirece Clark's motion for summary judgment (ECF No. 12), deny Defendant Commissioner of Social Security's motion for summary judgment (ECF No. 16), and

¹ The docket reflects that the Defendant in this case is "Commissioner Andrew Saul." In their filings, the parties indicate that the Acting Commissioner of Social Security is Kilolo Kijakazi. (See ECF No. 12, PageID.2075, 2077; ECF No. 16, PageID.2109, 2111; ECF No. 17, PageID.2138.)

remand the matter to the Commissioner for further action. The parties were required to file specific written objections to the R&R within fourteen days of service. *See* Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR 72.1(d). No objections were filed. The Court has nevertheless thoroughly reviewed the R&R and concurs in the reasoning and result. Accordingly,

The R&R (ECF No. 18) is ADOPTED;

Plaintiff's motion for summary judgment (ECF No. 12) is GRANTED;

Defendant's motion for summary judgment (ECF No. 16) is DENIED; and

The findings of the Commissioner are REVERSED AND REMANDED for proceedings consistent with the R&R.²

IT IS SO ORDERED.

Dated: September 23, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's

² By failing to object to the R&R, the parties have waived any further right of appeal. *See United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 23, 2022.

s/Karri Sandusky on behalf of
WILLIAM BARKHOLZ
Case Manager